

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

BERNIE BONDAR, DENNIS BONDAR,
JILL BONDAR, and MIKE BONDAR,

Plaintiffs,

v.

Case No. 06-C-109

MICHAEL D'AMATO
(in his individual capacity),

Defendant.

**ORDER STAYING THE BRIEFING ON DEFENDANT'S MOTION FOR SUMMARY
JUDGMENT**

On September 29, 2006, the defendant, Michael D'Amato ("D'Amato"), filed a motion for summary judgment. On October 19, 2006, the plaintiffs ("the Bondars"), filed a motion for an extension of time to file their response to the defendant's motion for summary judgment. And, on October 20, 2006, the court granted the Bondars' motion for an extension of time and ordered that the plaintiffs' response to the defendant's motion for summary judgment be filed on or before November 13, 2006, and the defendant's reply be filed on or before November 30, 2006.

Thereafter, on October 23, 2006, the Bondars filed a motion to conduct discovery and to continue the time in which to respond to the defendant's motion for summary judgment pursuant to Federal Rule of Civil Procedure 56(f). However, pursuant to Civil Local Rule 7.1(b), D'Amato's response to the Bondars' motion to conduct discovery and for an extension of time to respond is not due until November 13, 2006. Thus, the defendant may not have even responded to the plaintiffs' motion to conduct discovery and for an extension of time before November 13, 2006, that is, when

the plaintiffs' response to the defendant's motion for summary judgment is now due. Such being the case, the court will stay the briefing on the defendant's motion for summary judgment until such a time as the court has decided the plaintiffs' motion to conduct discovery and for an extension of time to respond.

NOW THEREFORE IT IS ORDERED that any further briefing on the defendant's motion for summary judgment be and hereby is stayed until such a time as the court has decided the plaintiffs' motion to conduct discovery and for an extension of time to respond.

SO ORDERED this 7th day of November 2006, at Milwaukee, Wisconsin.

/s/ William E. Callahan, Jr.
WILLIAM E. CALLAHAN, JR.
United States Magistrate Judge